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February 21, 2023

VIA ECF

The Honorable Paul A. Engelmayer
United States District Judge, S.D.N.Y.
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 1305
New York, New York 10007

Re: *Capri Sun GmbH v. American Beverage Corporation*; 1:19-cv-01422 (PAE)
– Request to Adjourn February 27, 2023 Final Pretrial Conference

Dear Judge Engelmayer:

We represent Defendant American Beverage Corporation (“ABC”) the in the above-referenced civil action. Pursuant to Rule 1.A of the Court’s Individual Rules and Practices (Rev. April 2021), we write jointly with counsel for Plaintiff Capri Sun GmbH (“Capri Sun,” and collectively, the “Parties”) concerning the final pretrial conference, currently scheduled for February 27, 2023. *See* Dkt. No. 258.

On January 25, 2023, the Court granted Capri Sun’s request to extend the deadline for the Parties to submit a revised joint pretrial order to March 10, 2023. *See* Dkt. Nos. 261-62. The Court had previously set the date for the Final Pretrial Conference in this matter for February 27, 2023 prior to extending the revised pretrial order deadline. *See* Dkt. No. 258. While the Parties are on track to meet the March 10, 2023 deadline to submit a revised pretrial order, the Parties respectfully request that the Court adjourn the upcoming final pretrial conference scheduled for February 27, 2023, and reschedule that conference to a later date, after the Parties submit their revised pretrial order on March 10, 2023. Such an extension would not interfere with the currently scheduled trial date.

The Parties respectfully suggest the week of April 24th, 2023 for a final pretrial conference, after the submission of the Parties’ revised pretrial order on March 10, 2023, and sufficiently in advance of the trial scheduled to begin on June 12, 2023. The Parties’ respective lead trial counsel are available for a final pretrial conference during that week.

The Honorable Paul A. Engelmayer
February 18, 2023
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Sincerely,

HOLLAND & KNIGHT LLP



Mark Goracke

MTG;jnm

Granted. The final pretrial conference is adjourned to April 11, 2023 at 3 p.m. All other deadlines remain in place. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
February 21, 2023